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NO. 0149 P. 1/9

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**Birch, Stewart,  
Kolasch & Birch, LLP****Fax**

<b>To:</b>	U.S. Patent and Trademark Office	<b>From:</b>	Leonard R. Svensson
<b>Fax:</b>	(571) 273-8300	<b>Pages:</b>	9 including cover sheet
<b>Phone:</b>		<b>Date:</b>	September 1, 2005
<b>Your Ref.:</b>	Application No. 10/517,450	<b>Our Ref.:</b>	4614-0180PUS1
<b>Re:</b>	Response to Notification of Missing Requirements	<b>CC:</b>	
<input type="checkbox"/> <b>Urgent</b> <input type="checkbox"/> <b>For Review</b> <input type="checkbox"/> <b>Please Comment</b> <input type="checkbox"/> <b>Please Reply</b> <input type="checkbox"/> <b>Please Recycle</b>			

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**• Comments:**

Enclosed for filing are the following documents:

1. Letter Submitting Additional Documents for Entering National Phase for a PCT Application
2. Notification of Missing Requirements
3. Combined Declaration and Power of Attorney

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MS PCT  
PATENT  
4614-0160PUS1

## IN THE U.S. PATENT AND TRADEMARK OFFICE

APPLICANT: DONATH, Marc  
INTERNATIONAL APPL. NO.: PCT/EP03/06682  
APPL. NO.: 10/517,450  
CONF.: 5584  
FILED: December 9, 2004  
FOR: USE OF AN INTERLEUKIN 1  
RECEPTOR ANTAGONIST AND/OR  
PYRROLIDINEDITHIOCARBAMATE FOR  
THE TREATMENT OR PROPHYLAXIS  
OF TYPE 2 DIABETES

LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR  
ENTERING NATIONAL PHASE FOR A PCT APPLICATION

MS PCT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

September 1, 2005

Sir:

Under the provisions of 37 C.F.R. § 1.494 or 37 C.F.R. § 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

**DOCUMENTATION**

- ☒ Executed Declaration and Power of Attorney  
☒ Original ☐ Photocopy  
☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on

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Appl. No. 10/517,450

December 9, 2004, including any amendments thereto (if applicable) filed on even date therewith.

- ☒ The undersigned hereby declares that "Attorney Docket No. 4614-0160PUS1" on page 1 of the attached inventors' Declaration corresponds to Appl. No. 10/517,450 filed December 9, 2004 entitled "USE OF AN INTERLEUKIN 1 RECEPTOR ANTAGONIST AND/OR PYRROLIDINEDITHIOCARBAMATE FOR THE TREATMENT OR PROPHYLAXIS OF TYPE 2 DIABETES."
- ☒ Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).
- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.
- ☐ See the attached Translator's Verification; or
- ☐ The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.
- ☐ Attached are \_\_\_\_\_ ( ) sheet(s) of drawings. Please substitute these corrected drawings for the corresponding \_\_\_\_\_ ( ) sheets of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.

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Appl. No. 10/517,450

- ☒ Submitted concurrently herewith under separate cover for recording is an Assignment.

☐**FEES**

- ☒ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on December 9, 2004.
- ☐ The Government Filing Surcharge for late filing of the English translation in the amount of \$0.00 in accordance with 37 C.F.R. § 1.492 was previously paid for concurrently with the filing of the application on .
- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 =	0 x 125 = \$0

- ☐ Additional claim fee(s) under 37 C.F.R. § 1.16(b)-(d) in the amount of \$0.00; which have been calculated as follows:

	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
TOTAL		-	20	-	0	\$50 (large)	\$0.00
INDEPENDENT		-	3	-	0	\$200 (large)	\$0.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$0.00
TOTAL							\$0.00

- ☐ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements

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Appl. No. 10/517,450

- ☒ Submitted concurrently herewith under separate cover for recording is an Assignment.

☐**FEES**

- ☒ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on December 9, 2004.
- ☐ The Government Filing Surcharge for late filing of the English translation in the amount of \$0.00 in accordance with 37 C.F.R. § 1.492 was previously paid for concurrently with the filing of the application on .
- ☐ Application Size Fee in the amount of \$0.00, calculated as follows: (for submission of Translation of Specification or Substitute Specification and Drawings)

			LARGE ENTITY	SMALL ENTITY
SHEETS OF SPEC & DWG	-100 =	0	0 x 250 =	0 x 125 = \$0

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	CURRENT NUMBER OF CLAIMS		HIGHEST NUMBER PREVIOUSLY PAID FOR		PRESENT EXTRA	RATES	ADDITIONAL FEE
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<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM						\$360 (large)	\$0.00
TOTAL							\$0.00

- ☐ No extension fee is required because the undersigned has not yet received the Notification of Missing Requirements

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Appl. No. 10/517,450

(Formalities Letter). However, if for some reason it is determined that an extension of time is necessary, applicant hereby respectfully petitions for an extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17.

- ☐ Applicant(s) hereby respectfully petitions for ( ) month(s) extension of time for the filing of the present paper in accordance with the provisions of 37 C.F.R. § 1.136 and 37 C.F.R. § 1.17. The required fee of \$0.00 is attached hereto.
- ☐ Check(s) in the amount of \$0.00 to cover the above-mentioned fees is/are enclosed.
- ☐ Please charge Deposit Account No. 02-2448 in the amount of \$0.00. A triplicate copy of this transmittal form is enclosed.
- ☒ No fee(s) required.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fee required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Certificate of Transmittal  
I hereby Certify that this correspondence is being  
facsimile transmitted to the Patent and  
Trademark Office:

On September 1, 2005

Date

Lori M. Tillman

Signature

Lori M. Tillman  
Typed or printed name of person signing certificate

LRS/lmt  
4614-0160PUS1

Attachment(s)

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

Leonard R. Svensson, #30,330

P.O. Box 747

Falls Church, VA 22040-0747  
(703) 205-8000

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LRS



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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P.O. Box 1450  
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/517,450	Marc Donath	4614-0160PUS1

02292  
BIRCH STEWART KOLASCH & BIRCH  
PO BOX 747  
FALLS CHURCH, VA 22040-0747

INTERNATIONAL APPLICATION NO.	
PCT/JP03/06682	
IA. FILING DATE	PRIORITY DATE
06/25/2003	06/20/2002

CONFIRMATION NO. 5584  
371 FORMALITIES LETTER

\*OC000000016433900\*

Docketed  
9.1.05

Perfect

Date Mailed: 07/01/2005

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/09/2004
- Copy of the International Search Report filed on 12/09/2004
- Copy of IPE Report filed on 12/09/2004
- Preliminary Amendments filed on 12/09/2004
- Information Disclosure Statements filed on 12/09/2004
- Copy of references cited in ISR filed on 12/09/2004
- U.S. Basic National Fees filed on 12/09/2004
- Priority Documents filed on 12/09/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

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NO. 0149 Pa. P. 7/9 2

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/517,450	PCT/JP03/06682	4614-0160PUS1

FORM PCT/DO/EO/905 (371 Formalities Notice)